

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

HECTOR GONZALES,

Plaintiff,

8:23CV462

vs.

T. BOYD, Warden; SMITH, Corporal;
WELCH, Corporal; YERO, Corporal; and
HIATT, Case worker;

Defendants.

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's "Motion for Request for Extension of Time" (the "Motion to Extend"), [Filing No. 11](#), seeking additional time to comply with this Court's Order granting leave to proceed in forma pauperis ("IFP") and requiring payment of an initial partial filing fee, [Filing No. 8](#), and Plaintiff's IFP motion seeking leave to proceed IFP in this case, [Filing No. 12](#). The Court shall grant the Motion to Extend and shall deny the IFP Motion as moot.

On October 24, 2023, Plaintiff filed his first IFP motion in this case. [Filing No. 7](#). The Court granted the IFP motion on November 3, 2023, and ordered Plaintiff to pay an initial partial filing fee of \$8.78 by December 4, 2023. [Filing No. 8](#). On November 16, 2023, Plaintiff filed the Motion to Extend, seeking additional time beyond the December 4, 2023, deadline to pay the initial partial filing fee. [Filing No. 11](#). The Motion to Extend shall be granted.

Several days later, on November 20, 2023, Plaintiff filed a second IFP Motion, again seeking leave to proceed in this case without payment of fees. [Filing No. 12](#). However, as Plaintiff has already been approved to proceed IFP, the November 20 IFP Motion is moot and shall be denied.¹

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion to Extend, [Filing No. 11](#), is granted. Plaintiff shall have through and until January 3, 2024, to submit his \$8.78 initial partial filing fee in compliance with the Court's November 3, 2023 Order, [Filing No. 8](#).
2. Plaintiff's November 20, 2023, Motion to Proceed IFP, [Filing No. 12](#), is denied as moot.
3. The Clerk of Court shall terminate the December 4, 2023, initial partial filing fee case management deadline set forth in the Court's November 3, 2023 Order, [Filing No. 8](#), and shall set the following pro se case management deadline of **January 3, 2024**: initial partial filing fee payment due.

Dated this 21st day of November, 2023.

BY THE COURT:



Joseph F. Bataillon
Senior United States District Court

¹ With his second IFP Motion, Plaintiff filed a letter stating he had attached his "institutional check with amount of 8.78 for [his] filing fee" and attached a Nebraska Department of Correctional Services Institutional Check for the amount stated. [Filing No. 12 at 3-4](#). The Court cannot ascertain if Plaintiff filed the Institutional Check as a form of payment or to merely show he has initiated a request with his institution to remit payment. In any case, the Institutional Check is not a proper form of payment.